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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/005,039 | 12/04/2001 | Yoichi Iwata | TTC-11702/08 | 9507 |

7590 06/18/2004

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| EXAMINER |
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NGUYEN, KHAI MINH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2684 | 3 |

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,039

Applicant(s)

IWATA, YOICHI

Examiner

Khai M Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12/04/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Hampton
(US-6252522)

Regarding claim 1, Hampton teaches a method of ordering a product or service promoted on a broadcast transmitted by a broadcast station (see fig.2, col.1, lines 22-30), said method comprising:

receiving a signal from a remote transceiver at a service center, said signal having a client identification information, a frequency of said broadcast, a location where said broadcast was received, and a time when said broadcast was received (col.1, lines 56-67);

identifying said broadcast station using said frequency and said location (col.1, lines 45-67);

determining said product or said service promoted on said broadcast using said time (col.2, line 59 to col.3, line 14); and

ordering said product or service (fig.3, col.6, lines 9-16).

Regarding claim 2, Hampton teaches the method of claim 1, wherein said determining step includes accessing a station log of said broadcast station to obtain an identity of said provider of said good or service (fig.2, col.1, lines 17- 29, col.1, lines 56-67).

Regarding claim 3, Hampton teaches the method of claim 2, wherein said ordering step includes contacting said provider of said service to order said product or service (fig.3, col.5, line 33 to col.6, line 16).

Regarding claim 4, Hampton teaches the method of claim 1, wherein said ordering step includes delivering said product or service to said client (fig.3, col.6, lines 9-16).

Regarding claim5, Hampton teaches the method of claim 1, wherein before said receiving step, said method includes determining said location and said time with a global positioning system unit (fig.2, col.4, lines 19-60).

Regarding claim 6, Hampton teaches the method of claim 5 further including after determining said location step, the step of initiating said transceiver to transmit said information with a switch on a client terminal (fig.2, fig.3, col.4, lines 19-60).

Regarding claim 7, Hampton teaches the method of claim 6, further including the step of connecting said client terminal to a broadcast receiver to access said frequency (col.1, lines 45-67).

Regarding claim 8, Hampton teaches the method of claim 6, wherein said method further includes connecting said client terminal to a global positioning system unit to obtain said location and said time (fig.2, fig.3, col.4, lines 19-60).

Regarding claim 9, Hampton teaches an apparatus for ordering a product or a service promoted during a broadcast received on a receiver, said apparatus interacting with a service center for ordering said product or service (fig.2, col.1, lines 22-30, col.4, lines 11-60), said comprising:

a client terminal having an interface having an electronic control unit (fig.2, col.4, lines 19-29), a switch and a transceiver, said electronic control unit being interconnected with said broadcast receiver to obtain a frequency of a station to which said broadcast is tuned to receive, said electronic control unit connected with a global positioning system unit to receive a location where said global positioning system unit is located and time associated with said location (fig.2, col.1, lines 22-30, col.4, lines 11-60), said switch operable to send a signal to said electronic control unit to transmit said frequency, said location, said associated time and a client identifier to said service center (col.1, lines 45-67) to facilitate ordering of said good or service.

Regarding claim 10, Hampton teaches the apparatus of claim 9, wherein said switch further comprises a push button (col.6, lines 9-16).

Regarding claim 11, Hampton teaches the apparatus of claim 9, wherein said client terminal includes said global positioning system unit and said receiver (fig.2, col.4, lines 19-60).

Regarding claim 12, Hampton teaches the apparatus of claim 9, wherein said client terminal is mounted to a vehicle (fig.1, col.3, lines 17-31).

Regarding claim 13, Hampton teaches a system for ordering a product or service promoted during a broadcast received on a broadcast receiver (fig.2, col.1, lines 22-30), said system including:

a service center having a radio receiver and a database having client information (fig.2,col.4, lines 11-60);

a client terminal having an electronic control unit, a switch and transmitter (fig.2, col.4, lines 19-29), said client terminal connected to said broadcast receiver to obtain a frequency of a broadcast station to which said receiver is tuned (col.1, lines 45-67), said electronic control unit connected with a global positioning system unit to receive a location of where said global positioning system unit is located (fig.1, fig.3, col.4, lines 19-60), a time associated with said location, said switch operable to send a signal to said service center by said transceiver, said signal having a client terminal identifier, said location, said associated time and said frequency (col.1, lines 45-67); and

a communication link between said service center and a log of a broadcast station for determining said product or service promoted during said broadcast (fig.2, fig.3, see abstract).

Regarding claim 14, Hampton teaches the system of claim 13, further including a communication link between said service center and a provider of said goods and services (fig.2, fig.3, see abstract, col.4, lines 11-60).

Regarding claim 15, Hampton teaches the system of claim 13, wherein said client terminal is mounted to a vehicle (fig.1, col.3, lines 17-31).

Regarding claim 16, Hampton teaches the system of claim 13, wherein said switch is a push button (col.6, lines 9-16).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 703.05.3906. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703.308.7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Art unit : 2684

06/11/2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER